

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**HB 134 - SB 88**

March 18, 2019

**SUMMARY OF BILL:** Decreases, from five to three years, the time period after the completion of a person's sentence that a person is authorized to petition the court for expunction of eligible misdemeanor offenses.

**ESTIMATED FISCAL IMPACT:**

**Increase State Revenue – Exceeds \$2,400,000/One-Time/TBI**  
**Exceeds \$6,240,000/One-Time/District Attorneys**  
**Expunction Fund**

**Increase Local Revenue – Exceeds \$4,800,000/One-Time**

**Assumptions:**

- Pursuant to Tenn. Code Ann. §40-32-101(g)(2)(B) five years are required to have elapsed since the completion of a sentence imposed for an eligible offense in order for a person to petition the court for expunction.
- The proposed legislation decreases such period of time to three years after the completion of a sentence imposed for an eligible misdemeanor offense.
- Pursuant to Tenn. Code Ann. § 40-32-101(g), an eligible petitioner is required to pay the court a \$180 fee for filing a petition to expunge eligible records; \$50 of each fee is remitted to the Tennessee Bureau of Investigation (TBI) and \$130 is remitted to the District Attorneys Expunction Fund.
- Based on information provided by the Tennessee Bureau of Investigation (TBI), the average number of felony and misdemeanor expunctions processed by TBI per year is 64,000.
- This analysis assumes 50 percent or 32,000 (64,000 x 50%) expunctions are for felony convictions, and 50 percent or 32,000 expunctions are for misdemeanor convictions.
- This analysis assumes the proposed legislation will result in a one-time increase of at least a 150 percent, or at least 48,000 (32,000 x 150%) additional misdemeanor expunctions resulting from the ability to petition earlier than under current law.
- The proposed legislation will result in a one-time increase in state revenue to the TBI estimated to exceed \$2,400,000 (48,000 misdemeanor expunctions x \$50).

- The proposed legislation will result in a one-time increase in state revenue to the District Attorneys Expunction Fund estimated to exceed \$6,240,000 (48,000 misdemeanor expunctions x \$130).
- Pursuant to Tenn. Code Ann. § 8-21-401(d)(2), a clerk is required to charge \$100 for proceedings related to criminal expungements.
- The proposed legislation will result in a one-time increase in local revenue estimated to exceed \$4,800,000 (48,000 misdemeanor expunctions x \$100).

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

/amj